

213-077
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Sec. Twp. Range

ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____

FC

LIST ALL FOLIO #S: 30-4023-099-0010 + 30-4023-099-0020

Date Received

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Manuel J. Menendez TRS

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER, E-MAIL:

Mailing Address: 3305 Alhambra circle

City: Coral Gables

State: Florida

Zip: 33134

Phone# 305-609-6388

Fax# 305-667-0592

E-mail: mjmenendez@aol.com

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): Manuel J Menendez TRS

Mailing Address: 3305 Alhambra Circle

City: Coral Gables

State: Florida

Zip: 33134

4. CONTACT PERSON'S INFORMATION:

Name: M J Menendez / Ramon Collado

Company: Collado & Partners

Mailing Address: 3305 Alhambra Circle

City: Coral Gables

State: Florida

Zip: 33134

Phone# 305-979-1718

Fax# 305-667-0592

E-mail: mjmenendez@aol.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, and range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

MenendezTracts - PB 187-052 T -22724

TRACK A LOT SIZE 37,807 square feet

MENENDEZ TRACTS - PB 187-052 T-22724

TRACT B LOT SIZE 89,622 square feet

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

6950 SW 40 ST MIAMI, FL 33155

AND 4090 SW 69 AVE, MIAMI, FL 33155

M3

7. SIZE OF PROPERTY N/A ft x N/A ft (in acres): 2.98 ACRES
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☐ acquired ☐ leased: 06 / 07 (month & year)

9. Lease term: N/A years

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)?

no ☒ es ☐ If yes, provide complete legal description of said contiguous property.

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?
no ☒ es ☐ (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: BU - 2 / RU - 4L

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

- ☐ District Boundary(zone) Changes [Zone(s) requested]: NOT NEEDED
(Provide a separate legal description for each zone requested)
- ☐ Unusual Use: N/A
- ☐ Use Variance: N/A
- ☒ Non-Use Variance: SIDE SETBACK ON WEST BU-2 PARCEL R 20/10/ PAC
- ☐ Alternative Site Development: Option: NO
- ☒ Special Exception: TO BUILD RESIDENTIAL ON BU-2 PARCEL
- ☐ Modification of Previous Resolution/Plan: PLAN APPROVED TO BE AMENDED
- ☐ Modification of Declaration or Covenant: N/A

14. Has a public hearing been held on this property within the last year & a half? no ☒ yes ☐
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? no ☒ yes ☐ If yes, give name to whom the
violation notice was served: N/A and describe the violation:

16. Describe structures on the property: SIGN + SMALL BLDG (800 SQFT) + SURFACE PARKING AREA

17. Is there any existing use on the property? no ☐ yes ☒ If yes, what use and when established?
Use: OVERFLOW PARKING + STRUCTURE Year: 1995/2010

18. Do you require a translator for the actual hearing? Yes ☐ No ☒
If yes: Spanish ☐ Haitian Creole ☐ Other ☐ (Please specify which language)

19. If you would like a preliminary courtesy review of your application by the technical staff of
the Developmental Impact Committee, please check Yes ☐
If yes, the application will be placed on the next available Developmental Impact Committee
agenda. There is no additional charge for this service.

APPLICANT'S AFFIDAVIT

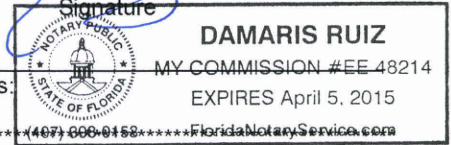
The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), MANUEL J. HENRIQUEZ TRS, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

[Signature]
Signature

[Signature]
Notary Public:
Commission Expires:



Sworn to and subscribed to before me
this 17 day of July, 2013.

CORPORATION AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

Office Held

(Corp. Seal)

Sworn to and subscribed to before me
this ____ day of _____, ____.

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

(Name of Partnership)

By _____ %
By _____ %

By _____ %
By _____ %

Sworn to and subscribed to before me
this ____ day of _____, ____.

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature
Notary Public: _____
Commission Expires: _____

Sworn to and subscribed to before me
this ____ day of _____, ____.

ACKNOWLEDGEMENT BY APPLICANT

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. Applicable Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) should not be approved by a zoning board and the recommendation will be for denial or deferral. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075


(Applicant's Signature)

MAHUEL MENEZES TRS
(Print Name of Applicant)

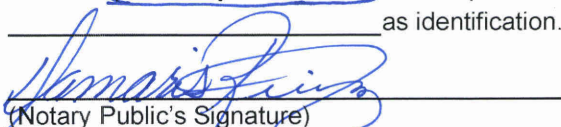
My commission expires April 5, 2015

State of: Florida

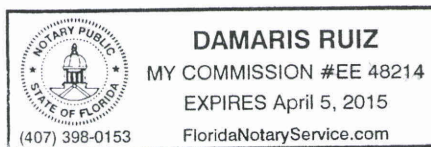
Sworn to and subscribed before me on the

17 Day of July, 2013.

Affiant is personally known to me or has produced
_____ as identification.


(Notary Public's Signature)

Damaris Ruiz
Print Name



OWNERSHIP AFFIDAVIT
FOR
CORPORATION (TRUST)

STATE OF FLORIDA Public Hearing No. _____
COUNTY OF MIAMI DADE

Before me, the undersigned authority, personally appeared MANUEL J. MENEZES
_____ hereinafter the Affiant(s), who being first duly
sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation hereinafter named
MANUEL J. MENEZES TRUST, with the following address:
3305 ALHAMBRA CIRCLE, CORAL GABLES, FL 33134
2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as:
MENEZES TRACTS - PB 167-052 T-22724
TRACT A LOT SIZE 37,807 SQUARE FEET
MENEZES TRACTS - PB 167-052 T-22724
TRACT B LOT SIZE 89,622 SQUARE FEET
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

[Signature]
Signature

Isabel D. Gonzalez
Print Name

[Signature]
Signature

Rebeca Cortes
Print Name

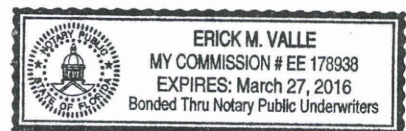
Sworn to and subscribed before me on the 29 day of July 20 13.

Affiant is personally known to me or has produced N/A as identification

Notary [Signature]

(Stamp/Seal)

Commission Expires: _____



DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____

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If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME M J Menendez Trust

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>Manuel J. Menendez</u>	<u>100%</u>
<u>Teresita F. Menendez</u>	_____
<u>3305 Alhambra Circle</u>	_____
<u>Coral Gables, Florida 33134</u>	_____

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: HONG

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

N/A

Date of contract: N/A

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

N/A

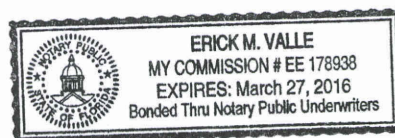
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature [Signature] (Applicant) MANUEL MENDOZA TRS (Print Applicant name)

Sworn to and subscribed before me this 29 day of July, 2013. Affiant is personally know to me or has produced N/A as identification.

[Signature]
(Notary Public)
My commission expires: March 27/16



Seal

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.